

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2019-008**

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**Date:** February 6, 2019  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Public Meeting**

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**Ward Community Identifier: 8 - Manvers**

**Subject:** An application to amend the Township of Manvers Zoning By-law 87-06 to remove the Holding (H) symbol from the Rural Residential Type One Exception Sixteen Holding [RR1-S16(H)] Zone in order to allow the land to be developed in accordance with the permitted uses in the Rural Residential Type One Exception Sixteen (RR1-S16) Zone, and to make supplementary textual amendment to the RR1-S16 Zone provision to permit an accessory building in the front yard on land described as Part of Lot 10, Concession 11, geographic Township of Manvers, now City of Kawartha Lakes, identified as 554 Fleetwood Road (John and Peggy Graham – Planning File D06-2018-032)

**Author and Title: Quadri Adebayo, Planner II**

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### **Recommendations:**

**Resolved That** Report PLAN2019-008, respecting Part of Lot 10, Concession 11, geographic Township of Manvers, and identified as 554 Fleetwood Road; Application No. D06-2018-032, be received;

**That** a Zoning By-law Amendment respecting application D06-2018-032, substantially in the form attached as Appendix D to Report PLAN2019-008, be approved and adopted by Council; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

The [RR1-S16(H)] Zone was applied to the property on October 10, 2000 (By-law 2000-28) by Council, for application D06-31-126 which established a premise for development. The Holding (H) symbol is to be removed to permit development on the northwest portion of the lot (approximately 1 acre).

The effect of the holding (H) provision is to prevent development of the site until site specific grading and drainage matters are addressed to the satisfaction of the Kawartha Region Conservation Authority (KRCA) in conjunction with the City of Kawartha Lakes and subsequent authority with comparable jurisdiction.

The application proposes to remove the Holding (H) symbol from Schedule A of the Township of Manvers Zoning By-law 87-06, which regulates the development and use of 554 Fleetwood Road. The removal of the Holding (H) symbol would permit residential development on a portion of the lot that comprises a 185.9 square metre dwelling with attached garage, a 65.1 square metre detached workshop, a driveway, a parking pad, septic tank, amenity area (grassed yard) and well.

The proposal to make supplementary textual amendment to the RR1-S16 Zone provision is to recognize the placement of an accessory structure (outbuilding) within the zone category.

Owner:	John and Peggy Graham
Applicant:	John and Peggy Graham
Legal Description:	Part of Lot 10, Concession 11, geographic Township of Manvers
Designation:	Prime Agricultural and Environmental Protection in the City of Kawartha Lakes Official Plan
Zone:	Rural Residential Type One Exception Sixteen Holding [RR1-S16(H)] Zone and Open Space Exception Four (01-S4) Zone on Schedule A of the Township of Manvers Zoning By-law 87-06
Lot Area:	29.2 hectares (72.2 acres) – Coe Fisher Cameron of which a maximum 1 acre (including a maximum development area of 1,200 square metres) are devoted to the removal of Holding (H) symbol
Site Servicing:	Private individual well and septic system (Proposed)
Existing Uses:	Residential (Vacant) and Wetland
Adjacent Uses:	North: Fleetwood Road, Wetland and Agricultural East: Chipmunk Road, Wetland, Residential and Agricultural South: Wetland and Agricultural West: Residential, Wetland and Agricultural

## **Rationale:**

The property is located on the west side of Highway 35 (refer to Appendix A). The subject property and the surrounding lands are primarily wetland and agricultural lands with some pockets of residential uses nearby. The wetland and agricultural lands are anticipated to be protected and preserved from new residential development or any other incompatible land use that may hinder the integrity of the existing natural features or future agricultural operations. A watercourse is also present. Pigeon River No. 20 Provincially Significant Wetland (PSW) is associated with Pigeon River and located northeast of the subject lands. The river buffer traverses part of the eastern and southern boundary of the subject lands.

A site assessment completed by the Ministry of Natural Resources (MNR) on May 8, 2000 in a report to the KRCA that predicated the earlier rezoning of the northwest portion of the subject land from 01-S4 Zone to [RR1-S16(H)] Zone determined that the identified 1 acre portion is outside of the Pigeon River No. 20 PSW, and that there is enough room to accommodate a single detached dwelling, subject to the completion of an Environmental Impact Study vetted by the KRCA.

The applicant submitted a Scoped Environmental Impact Study (EIS) Report prepared by David Cunningham of Cunningham Environmental Associates, dated June, 2018 in support of the application. This document outlines the following:

1. A delineation of the limits of the wetland boundary and the building envelope respectively;
2. Measures to address potential negative impacts to the wetland and related ecological features that may result from the development (pre-construction through post-construction); and
3. Floodplain analysis demonstrating that the site is above flood elevation and that the property will be accessible during a flood event.

Staff has reviewed the report and accompanying documentation filed in support of the zoning by-law amendment.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

Section 2.2.9 indicates that development outside of settlement areas may be permitted where necessary for the management of resources, and provided site-specific location with approved zoning is placed. Section 4.2.2 provides for the protection of natural heritage features and biodiversity identified within official plans. The rezoning to remove the holding (H) symbol and establish development on a portion of the subject land is consistent with these policies. A natural heritage evaluation (EIS) that identifies the protection of key ecological functions,

and meets municipal and agency planning and regulatory requirements has been completed.

Therefore, this application conforms to the policies of the Growth Plan.

**Provincial Policy Statement, 2014 (PPS):**

Section 1.1.4 of the PPS provides that rural assets and the protection of the environment be leveraged as foundation for a sustainable economy and the conservation of biodiversity. Section 2.1.5 states that development and site alteration shall not be permitted in Provincially Significant Wetlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, and Section 3.1 directs development to areas outside the flood plain or wetland.

The application to lift the holding (H) symbol on the subject lands to permit the development of a residential use has been demonstrated to meet with these policies. The site identified for the development clearly delineates the limits of the wetland boundary and the building envelope respectively (See Appendix C).

This will provide the abutting open space lands with long term protection of the natural area for its economic, environmental and social benefits. It will also limit buildings and structures which by their nature are required not to be in the open space zone.

Therefore, this application is consistent with the PPS.

**Official Plan Conformity:**

The subject land is designated Environmental Protection in the City of Kawartha Lakes Official Plan (Official Plan). However, the area being developed is considered to be developable and has been demonstrated not to have flooding or other physical hazard potential. Whereas the Official Plan directs that prior to any site alteration on such lands, an evaluation shall be undertaken by the landowner to demonstrate that the land is not subject to flooding or other physical hazard. This study has been undertaken and approved by the KRCA.

While accessory buildings are contemplated as ancillary to principle uses in the the Official Plan, this application will preserve and protect the future integrity of the abutting wetland feature.

KRCA has reviewed the environmental reports submitted by the applicant in support of the application and finds them acceptable. Therefore this application implements the Official Plan policies outlined above, and thus conformity with the policies of the Official Plan has been demonstrated.

**Zoning By-Law Compliance:**

The portion of the property being considered is zoned Rural Residential Type One Exception Sixteen Holding [RR1-S16(H)] Zone in the Township of Manvers Zoning By-law 87-06. The [RR1-S16(H)] Zone permits residential uses subject to

the fulfillment of established development regulations. The requirement for the removal of holding has been completed by the applicant to the satisfaction of KRCA and it is now appropriate to remove the holding provision. The Zoning By-law amendment for the removal of holding will allow the land to be developed in accordance with the Rural Residential Type One Exception Sixteen (RR1-S16) Zone, thus implementing the Official Plan environmental protection policies.

The RR1-S16 Zone permits a single detached dwelling, home occupation, and parks. A dwelling is permitted to be 7.5 metres from the open space zone and a 14 metre setback from the eastern and southern boundaries of the RR1-S16 Zone respectively.

On the other hand, as the RR1-S16 Zone is subject to all other provisions of the RR1 Zone which does not permit accessory buildings with the exception of a detached garage in the front yard other than a side or rear yard, a supplementary textual amendment to the Township of Manvers Zoning By-law is being proposed to be added to permit the proposed detached workshop in the front yard within the RR1-S16 Zone.

The proposed placement of the detached workshop within the building envelope will ensure the minimum front yard requirement of 15 metres for the zone category is met. The proposed location of the structure would also respect the other setback requirements specific to the RR1-S16 Zone, and that the development maintains adequate spatial separation from the wetland buffer.

In consideration of the above, the application meets the intent of the Zoning By-law.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Relationship of Recommendations to the 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies three main Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

The application may align with the healthy environment goal as it promotes the health and integrity of the wetland and floodplain.

## **Review of Accessibility Implications of Any Development or Policy:**

Should a building permit be required, the accessibility standards established in the Building Code will be addressed prior to the issuance of a building permit.

## **Servicing Comments:**

The subject land is un-serviced. The proposed building envelope on the land is to be serviced by a private sanitary sewage disposal system and well.

## **Consultations:**

Notice of this application was circulated to all land owners of record within a 500 metre radius, plan review agencies, and City Departments which may have an interest in the application. The Building Division - Building Inspection, Development Engineering, Community Services, Enbridge Gas Distribution, and KRCA raised no concerns or objections as a result of the circulation. No comments were received from the public.

## **Development Services – Planning Division Comments:**

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed Zoning By-law amendment contained in Appendix D will ensure the surrounding ecological function abutting the subject land is preserved in conjunction with the residential use and will implement Provincial and City policies.

## **Conclusion:**

The application conforms to the provincial policies concerning site alteration within natural heritage systems in rural areas. The application also conforms to the Environmental Protection designation policies in the City's Official Plan. Staff support the application based on the information contained in this report and the comments received as of January 14, 2019. Staff respectfully recommends that the application be referred to Council for APPROVAL.

## **Attachments:**

Appendix A – Location Map



Appendix A.pdf

Appendix B – Orthoimage



Appendix B.pdf

Appendix C – Applicant Sketch – received January 4, 2019



Appendix C.pdf

Appendix D – Draft Zoning By-law Amendment



Appendix D.pdf

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**Department Head:** Chris Marshall

**Department File:** D06-2018-032